

8/27/19 SWT

Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NCUNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CR-00106-FL(3)

UNITED STATES OF AMERICA

v.

LEVAN LOMTATIDZE

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STIPULATED JUDICIAL ORDER

OF REMOVAL

Upon the Application of the United States; upon the Factual Allegations in Support of Judicial Order of Removal; upon the statement and consent of Levan Lomtadidze ("defendant") and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of Georgia and a citizen of Georgia.
3. The defendant was admitted to the United States as a non-immigrant visitor and entered the United States on April 24, 2015, at San Ysidro, California. The defendant was authorized to remain in the United States for a period not to exceed August 24, 2015.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Eastern District of North Carolina, of Count One of the Indictment, charging conspiracy to commit marriage fraud, in violation of Title 18, United States Code, Section 371.

5. The maximum term of imprisonment for a violation of Title 18, United States Code, Section 371 is 5 years. Given that the defendant pleaded guilty pursuant to a plea agreement to Count One of the Indictment the maximum sentence faced by the defendant for having violated Count One of the Indictment is 5 years' imprisonment.

6. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to 8 U.S.C. § 1227(a)(1)(A) as an alien who at the time of entry or adjustment of status was within one or more of the classes of aliens inadmissible by law existing at such time; to wit: as an alien who seeks to procure, or has sought to procure, or who has procured a visa, other documentation, or admission into the United States, or other benefit provided under the Act, by fraud or by willfully misrepresenting a material fact, under 8 U.S.C. § 1182(a)(6)(C)(i).

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant is ordered promptly removed from the United States to Georgia upon his completion of a term of imprisonment, if any.

IT IS SO ORDERED this 27th day of August, 2019.


LOUISE WOOD FLANAGAN
United States District Judge